FOR MYSORE STATE

606—27-10-58.

Home (1954.) Department.

25. SERIES.

G.O. No. 3432

Dated 22-11-54

Planned Supdt

[Despatch Abstract.]

Prohibition - Est. Drivers and Cleaners of South Kanara Dt. - Overpayment of daily allowance - Waiver of recovery - Ordered

GOVERNMENT SECRETARIAT TO GOVERNMENT
24 JUL 1954
HOME DEPARTMENT

BOARD OF REVENUE(EXCISE)DEPARTMENT.

SUB: ALLOWANCE - Travelling Allowance - excess payment of Dearness Allowance to Drivers and Cleaners of Prohibition Department in South Kanara District - Non-recovery - Waiver-Requested.

READ:-From the Deputy Commissioner of Prohibition (Enforcement) South Division, letter No.Rc.3505/50 B1 dated 17-12-52.

STATION: Triplicane,Madras-5,
C.R.No. 51980-abk/52 XE3 dated the 20th July 1954.

From

Sri M.A.S. Jeddy,B.A.(Hons),
Assistant Secretary,
Board of Revenue (Excise). 100703 27.7.54

Sri V.N. Kudva,I.C.S.,
Member,Board of Revenue and Commissioner of Commercial Taxes.

Reference:

The Deputy Commissioner of Prohibition (Enforcement), Madras reports that due to wrong interpretation of Madras Travelling Allowance Rule 53, a few cases of overpayment of Dearness Allowance to certain Drivers and Cleaners of departmental vehicles have occurred in South Kanara District and that a total sum of Rs.326-12-0 due from the individuals listed below could not be recovered, as they have left service and their whereabouts are not known. He recommends that the amount may be written off as irrecoverable:-

		Rs.As.Ps.
1.	Santhan De'Souza (~~Van Driver~~) ..	99--7--0
2.	B.A.Lobo (~~Jeep Driver~~) ..	46-15--0
3.	Anthony Serovo (~~Cleaner~~) ..	70-10--0
4.	K.Panduranga Naick ..	78--0--0
5.	Gopala Naick (~~Cleaner~~) ..	4--0--0
6.	Sambasivam (~~Cleaner~~) ..	16--0--0
7.	Mahaboob Saheb (~~Driver~~) .	11-12--0
	Total ..	326-12--0

It is further reported that the following officers who countersigned the Travelling Allowance Bills were responsible for the overpayment as noted against each:-

		Rs.As.Ps.
1.	Sri M.V.Gopalakrishna Iyer ..	97--0--7
2.	Sri P.Damodaran Nambiar ..	19-15--0
3.	Sri R.Seshagiri ..	103--2--5
4.	Sri M.Venkatrama Iyer ..	28--5--4
5.	Sri T.N.Krishnamurthy ..	78--4--8
	Total ..	326-12--0

2. Out of the five officers mentioned above, three have retired from service (items 1, 2 & 4) and the amount for which they are held responsible is Rs.145-4-11 (Rs.97-0-7 + Rs.19-15-0 and Rs.28-5-4-). No recovery from them is possible, since they have retired from service. Of the remaining two officers, Sri R.Seshagiri (item 3) is now in service in Andhra State. Sri T.N.Krishnamurthy

p.t.o.

explains that the question whether Rule 46 (New Rule 53) of the Madras Travelling Allowance Rules applied to drivers and cleandrs of Prohibition Department was in doubt due to misinterpretation of the above Rule in all Districts especially when the Rule was not made applicable to police men employed as Drivers in Police vehicles as per note to the Rule and also in view of the fact that at that time the Prohibition Staff was treated to be on a par with the corresponding Police staff in the matter of their pay and allowances. He further states that the misinterpretation of Rule 46, (New Rule 53) of Madras Travelling Allowance Rules was a common genuine doubt shared by most of the officers in several districts.

3. The Board is of opinion, that, in view of the doubt about the scope and applicability of Rule 53 of the Madras Travelling Allowance Rules, it cannot be established that there was culpable negligence on the part of the District Prohibition Officers concerned so as to justify the application of Article 56 of the Madras Financial Code Volume I. It may also be unfair to take steps to effect recovery of overpayments from the two officers alone.

4. Considering the circumstances in which the overpayments arose, the Board requests that the Government may be pleased to waive recoveries of overpayments of Dearness Allowance of Rs.326-12-0 made to the Drivers and Cleaners of Prohibition Department in South Kanara District mentioned in para 1 above due to wrong interpretation of Madras Travelling Allowance Rule 53.

Asjeddy 23754.
ASSISTANT SECRETARY.

To

The Secretary to Government,
Home Department,
Madras-9.

kn.21/7

C.No.100703 Pro./54

HOME (PRO) DEPARTMENT

Memo.No.100703 Pro/54 - 1 dated 6/8/54

T.A. -
Allowances - Excess payment of daily allowance to drivers and cleaners of Prohibition Dept. - South Kanara district Non-recovery - Waiver

Ref: From the Board of Revenue (Excise), No.C.R.51980 Abk/52 XE 3 dated 20-7-1954.

The Board of Revenue (Excise) is informed that if any officer had any real doubt about the scope and applicability of rule 53 of the Madras Travelling Allowance Rules, he should have cleared his doubts by referring the matter to the Board or to the A.G. before making the payment. The Board is requested to ascertain the reason why the officer did not do so.

2. It is stated that this doubt about the scope and applicability of rule 53 is a genuine doubt shared by most of the officers in several districts. If this is correct, there are likely to be such overpayments in other districts also. The Board is requested to ascertain and report on this point also.

3. This may be treated as very urgent.

To the Board of Revenue,
(Excise), Madras.

(R.D. 5-9-1954)

ASSISTANT SECRETARY TO GOVERNMENT
30 - 954
HOME DEPARTMENT

BOARD OF REVENUE (EXCISE) DEPARTMENT.

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SUB: ALLOWANCE- Travelling allowance - Excess payment of Dearness allowance to Drivers and cleaners of Prohibition Department in South Kanara District - Non-recovery - Waiver - Requested.

READ: 1. Government Memo No.100703-PRO/54-1, Home dated 6-8-1954.
2. From the Deputy Commissioner of Prohibition (Enforcement), Madras letter No.RC.3505/50/BI dated 29-8-1954.

129151

Station: Triplicane, Madras-5.
C.R. No. 51980/ABK/52/XE3 **Dated** 27-9-1954.

From

Sri. T.N.S. Raghavan, I.C.S.,
Member, Board of Revenue and Commissioner of Commercial Taxes.

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Sri. M.A.S. Jeddy, B.A., (Hons).,
Assistant Secretary,
Board of Revenue (Excise).

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REFERENCE:

With reference to the Government Memo cited, the Board submits that the Deputy Commissioner of Prohibition (Enforcement), Madras who was addressed in the matter has reported that the City Prohibition Officer, Madras and the District Prohibition Officer, Tirunelveli enquired him in the month of May 1950 whether Madras Travelling allowance Rule 53 (old 46) was applicable in the case of Drivers and cleaners in the Prohibition Department, as in G.O.No.336, Finance dated 20-3-50 it was ordered that the above Rule is not applicable in the case of Policemen employed as Drivers, cleaners or Machanics in Police Department. The Deputy Commissioner informed them that Rule 53 (old 46) applies to the Drivers and Cleaners employed in the Prohibition Department. He has also asked the District Prohibition Officers of other districts to examine whether there were instances of excess payments of such kind and if so, to take steps to recover the excess amount paid so far.

2. There had been overpayments in all the Districts except the Nilgiris, due to wrong interpretation of the Rule. The total amount excess paid and the amount recovered in each District are detailed below:

S.NO.	Name of the district.	Amount over paid.	Amount Recovered.	Balance.
1.	Madras City	Rs. 322/-	Rs. 322/-	NIL
2.	Tirunelveli	Rs. 41/4/-	Rs. 41/4/-	NIL
3.	Ramanathapuram	Rs. 13/8/-	Rs. 13/8/-	NIL
4.	Malabar	Rs. 58/-	Rs. 58/-	NIL
5.	Chingleput	Rs. 16/4/-	Rs. 8/12/-	Rs. 7/8/-
6.	South Arcot	Rs. 78/-	Rs. 37/8/-	Rs.40/8/-
7.	South Kanara	Rs. 394/3/-	Rs. 67/7/-	Rs.326/12/-

3. In G.O.Rt. No.108, Development dated 20-2-52, the Government have waived the recovery of overpayments of Dearness allowance of Rs.48/-. (Rs.40-8-0 and Rs.7-8-0) made to the Drivers and the cleaners of South Arcot and Chingleput districts.

4. In the circumstances already stated in its reference CR. 51980/ABK/52/XE3 dated 20-7-1954, the Board requests that the Government may be pleased to waive the recoveries of overpayments of Dearness allowance of Rs.326-12-0 made to the Drivers and cleaners of Prohibition Department in South Kanara district due to wrong interpretation of Madras Travelling allowance Rules.

Asjeddy.
29.9.54

ASSISTANT SECRETARY.

To

The Secretary to Government,
Home Department, Madras.

29.9.54 PRN.28.9.54

● Estt 100703 Pro/52 — Subject Prohibition – Estt — Dress and cleaners of South Kanara Dt. — overpayments of daily allowance — Waiver of recovery — ordered.

Read again:- G.O.(Rt) No 108 Dev. dated 20-2-52 & also from The Bd of Rev (Exc) CR No. 51980 A6/52XE3 dated 22-9-54

G.O. (Rt) No 3432 Dated 22 11 54

In the circumstances reported by the Bd of Rev (Exc), sanction is accorded to the waiver of recovery of overpayments of daily allowance amounting to Rs. 326-12-0 (Rupees Three hundred and twenty-six and annas twelve only), made to

(P.T.O.)

2.

The Drivers and Cleaners of the Distribution Department in South Kanara district, mentioned as detailed in the Annexure below, due to a wrong interpretation of the Madras Travelling Allowance Rules 1953

Annexure

[Here enter 'A' on page CF]

CENTRAL DESPATCH ... (CSC)

Despatched by

Date

Despatcher's Initials

[C. No. 100703 Pro./54]

Home (Pro.) Dept.

Allowances- T.A. Excess payment of ~~Dearness~~ daily Allowance to Drivers and Cleaners of Prohibition Dept.-S.Kanara district- Non-recovery- Waiver.

Ref: From the Board of Rev.(Exc.). C.R.No.51980 ABK/52 XE3 dated 20-7-54.

In its reference cited, the Board of Rev.(Exc.) requests that the Govt. may be pleased to waive recoveries of payments of ~~Dearness~~ daily Allowance of Rs.326-12-0 made to the Drivers and cleaners of Prohibition Dept. in South Kanara district, mentioned at A on p.1 c.f.

2. It is reported that due to wrong interpretation of Rule 53 of the Madras Travelling Allowance Rules, a few cases of overpayment of ~~Dearness~~ daily allowance to certain drivers and cleaners of departmental vehicles occurred in the district of S.Kanara and that a total sum of Rs.326-12-0 due from individuals could not be recovered as they have left service and their whereabouts are not known.

3. As regards the question of recovery of the excess payments made from the officers concerned with reference to rule 56 of M.F.C. Vol.I, the Board has stated that out of five officers responsible for the excess payments three have retired and the fourth is in Andhra. The explanation of Sri T.N. Krishnamurthy the only officer now in service has been obtained by the Board. It is reported that Sri T.N.Krishnamurthy explained that the question whether Rule 53 of the M.T.A.Rules applied to Drivers and cleaners of Prohibition department was in doubt due to mis-interpretation of the above rule in all districts, especially when the rule was not made applicable to policemen employed as Drivers in Police vehicles as per note to the Rule and also in view of the fact that at that

time the prohibition staff was treated to be on a par with the corresponding police staff in the matter of their pay and allowances.

The Board is of opinion that in view of the doubt about the scope and applicability of Rule 53 of the Madras Travelling Allowance Rules, it cannot be established that there was culpable negligence on the part of the District Prohibition Officers concerned so as to justify the application of Article 56 of M.F.C.Vol.I and that it may also be unfair to take steps to effect recovery of overpayments from the two officers (Sri R.Seshagiri and Sri T.N.Krishnamurthy) alone.

In the circumstances, the Board requests that the excess payment of Rs.326-12-0 may be waived.

Submitted that in the circumstances explained by the Board, the question of recovery of the amounts from the Officers concerned need not be pursued. For orders whether the waiver of recovery of Rs.326-12-0 may be agreed to. If so, Fin. may see for remarks.

3.8.54

3/8/54.

'A' above. — If any officer had a real doubt why did he not clear this doubt by referring the matter to the Board or the Accountant General?

It is stated that this is a genuine doubt shared by most of the officers in several districts. It is therefore likely that such overpayments ~~may have~~ might have been made in other districts also. Bd. may be asked about this also.

with reference to the note of A.D.S at p. 2 ante, a draft memo to the Bd. of Rev. (Excise) is submitted for approval.

(Issued as Memo No.100703 Pro/54-1 d. 6-8-54 to Board)
(From the Bd. of Rev. C.R.No.51980 Abk/52 KE3 dated 27-9-54).

To A.D.S.

Please see the notes and orders at pp.1-2 above, the memo. to the Board at p.3 c.f. and its reply at p.5 c.f.

2. It is observed from the Board's report on p.5 c.f. that rule 53 (old Rule 46) of the Madras Travelling Allowance Rules was mis-interpreted in all the Excise Prohbition districts except the Nilgiris district. In the case of Madras City Tirunelveli, Ramanathapuram and Malabar districts the excess amounts were subsequently recovered. This recovery was made following a clarification given by the Deputy Commissioner of Prohibition (Enforcement to the effect that the rule referred to at 'A' above applied to the Drivers and cleaners in the Prohibition Deptt. The Deputy Commissioner directed the recovery of the overpayments involved. Complete recoveries could not be effected in the case of Chingleput, South Arcot and South Kanara districts vide the details at X in paragraph 2 on p.5 c.f., for the reason that the individuals who received the overpayment since left service and their whereabouts were not known.

3. The Board has now stated That the recovery of the overpayments in the

(P.T.O)

case of South Arcot and Chingleput districts (involving Rs.40-8-0 and Rs.7-8-0 respectively) was already waived by the Govt. in G.O.(Rt.) No. 108 Dev. dated 20-2-52. In these circumstances and in view of what has already been stated in its reference at pp.1-2 c.f. the Board has now reiterated its recommendation for waiving the recovery of over-payments of daily allowance amounting to Rs.326-12-0 made to the Drivers and Cleaners of the Prohibition Deptt. in the South Kanara district. In the circumstances it is for orders whether the matter should be pursued further or whether the Board's recommendation may be accepted, especially in view of 'B' above.

Fin. may see for remarks.

The Board's recommendations may be accepted.

19/10/54

20/10/54

20/10/54 Fin

Finance (CM)

Home (Pro) No. 100703 (Pro)/54-2

20.10.54

Note of Home from p.1, above may be perused.

Under Art. 56 of the M.F.C., Vol. I, if the excess amount, Cannot, for any reason be recovered from the drawing Officer, the Officer responsible for the overpayment will have to make good the loss arising from Culpable negligence on their part

In the present case, all the individuals who drew the excess amounts have left-

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DEPUTY SECRETARY TO GOVERNMENT
21 OCT 1954
FINANCE DEPARTMENT

4 - pts

Rs

bpt- Service; and only 2 out of the 5 Officers who Countersigned the bills are still in Service. Of these 2 Officers, one has been transferred to the Andhra State. The fact that the other 3 are no longer in Service Cannot absolve these 2 Officers from the Obligation to make good the excess amount.

In the circumstances, it is for Consideration whether Govt may advise that the excess ~~amount~~ payment due to be Caused by the negligence of the Officer still in Service of this Govt may be ordered to be recovered from him. As regards the other Officers, necessary extracts may be sent to the Andhra for taking action for the recovery of the portion of the overpayment for which he was responsible

Home

Govt of Rs 326-12-0, Rs 145-4-11 cannot be recovered as the Officers Concerned have retired. Out of the balance of Rs 181 (appx) Rs 103. Can be recovered only after addressing Andhra Govt. So only a sum of Rs 78. Can be easily recovered as the Officer Concerned is still with us. Board has observed that there is no culpable negligence on the part of the Officers and recommended waiver of recovery. In the peculiar circumstances of the case this Dept. may agree to the waiver of recovery

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ASSISTANT SECRETARY TO GOVERNMENT
3 NOV 1954
HOME DEPARTMENT

Fins: 107007/esn

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Home (Pro) Dept.

To ARS

Please see the note of Finance at Xan pp above. They have agreed to the recommendation of this Deptt. to accept the Board's proposal to waive recoveries of overpayments of daily allowance of Rs 326-12-0 made to the drivers and cleaners of the Prohibition & Deptt. in South Kanara District. A draft order is submitted below for approval.

16/11/60

(Issued as G.O. Rt. No. 3432 Home dt. 22-11-60)

& 4 above para 4 at p5 CP

vide A on p 1:7